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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,639	08/07/2001	Praveen K. Parvathala	219.40391X00	9273

7590 01/14/2005

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EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/922,639

Applicant(s)

PARVATHALA ET AL.

Examiner

CHAMELI C DAS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-12, 15, 16, 18-26 and 28-36 is/are allowed.
- 6) ☒ Claim(s) 1, 13, 14, 17 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is in response to the amendment and remarks filed on 9/30/04.
2. Claims 2-3, 11, 15, 17-18, 24-25, 28-29, and 33 have been amended.
3. Claims 1, 13-14, 17, and 27 have been rejected.
4. Claims 2-12, 15-16, 18-26, 28-36 have been allowed.

#### **Response to the argument**

5. The applicant's argument filed on 9/30/04 have been fully considered but they are not persuasive. In the Remarks, the applicant has argued in substance:

**(1) Neither Halviatti et al (5,475,843) nor Kossatchev et al (6,698,012) disclose "for subsequent storage on-board of a complex device under test.**

#### **Response:**

- (1) Halviatti discloses the system maintains **an in-memory Testing model** of a particular application under test (col 3, lines 14-16, "During operation, the system maintains **an in-memory Testing Model** of a particular **application under test**. Overall operation of the system is directed by one or more test scripts"), where "in-memory Testing Model" is the "storage on-board" testing model, and the **"particular application under test" is the complex device under test**. Halviatti discloses the application under test is the **complex device under test** is shown in (col 20, lines 61-67, "Consider, for example, the task of testing a software compiler having both command-line and GUI components (such as found in commercially-available compilers from Borland and Microsoft). Conceptually, testing the GUI portion of the compiler should be

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easier than testing the command-line portion, owing to the latter's **complex internal operations**").

**(2) The applicant has argued that in Fig 6 of Halviatti et al, the "testing model" is a separate component form "application under test".**

**Response:**

(2) Similarly, in the applicant's specification, Fig 1. shows that "Test Program" (120) and "Device under Test (DUT)" (130) are separate components.

**(3) The applicant has attempted to challenge the Examiner's taking of Official Notice regarding "Device under test (DUT) includes a microprocessor".**

**Response:**

The official notice, presented in the last office action, concerning **"Device under test (DUT) includes a microprocessor"** is maintained. Pri-Tal (US 4,622,669) is cited herein as evidence to support examiner's taking of official notice (Pri-Tal, col 1, lines 40-41, "by executing test routines that reside on the **device under test, which include a microprocessor**"), clearly teaches the "device under test" include a microprocessor, and ( column 2 line 44-66) sets forth the motivation to include microprocessor on the device under test.

**(4) The applicant has attempted to challenge the Examiner's taking of Official Notice regarding "on-board memory".**

**Response:**

The official notice, presented in the last office action, concerning **"on-board memory"** is maintained. Broseghini et al (US, 5,761,489) is cited herein as evidence to

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support examiner's taking of official notice (Broseghini, col 1, lines 26-30, "bootstrap mode uses self-test software which is loaded into the **on-board random access memory** ("RAM") by means of the serial communications interface. The 80486 microprocessor (available from Intel Corp. of Santa Clara, Calif.) has also built-in, self-test ("BIST") capability. The modification would be obvious because one of the ordinary skill in the art would be motivated to store the testing software into a permanent storage.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696

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The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

*Chameli C-Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

*1/8/05*